Remarks/Arguments

Reconsideration of this application is requested.

Claim Status

Claims 1-20 are pending. Claims 1, 9, 12 and 19 are amended.

Allowable Subject Matter

The allowance of claim 5 and the indication of allowable subject matter in claims 2, 4, 6-8, 13 and 15-18 is noted and appreciated.

Claim Objections

The typographical error in claim 9 is corrected as suggested. In addition, a similar error in claim 19 is corrected.

Claim Rejections – 35 USC 102

Claims 1, 3, 9-12, 14, 19 and 20 are rejected under 35 USC 102(b) as anticipated by Hayashi (US 6,247,548). Applicant respectfully traverses these rejections, and has amended claims 1 and 12 for clarification purposes. Claims 1 and 12, as amended, recite an electric motor control unit wherein:

> *...when a voltage of the means for supplying power is a predetermined value or greater, the electric motor control unit controls the electric motor such that rotational speed-torque characteristics that the electric motor has when the voltage of the means for supplying power is at the predetermined value are maintained.*

By providing control in this manner, the motor driven vehicle is capable of providing a constant running performance whenever the power source voltage is at the predetermined value or greater (applicant's specification, paragraph [0002]). Thus, a rider does not feel a decline of power until the battery voltage falls below the predetermined value (a relatively low amount). Even though the electric motor has sufficient capacity to operate at larger rotational speed-torque characteristics, the control unit controls the electric motor at the rotational speed-torque characteristics that the electric motor has when the voltage of the battery is at the

PAGE 9/11 * RCVD AT 2/16/2006 8:36:59 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:+12133376701 * DURATION (mm-ss):02-52

predetermined value. In this manner, rotational speed-torque characteristics are maintained with no decline in power until the point that the battery voltage falls below a relatively low voltage (the predetermined value). The amendments to claims 1 and 12 are intended to clarify this point. In particular, it is the rotational speed-torque characteristics of the motor *when the power source is at the predetermined value* that are maintained.

Hayashi discloses a driving force assist mechanism 30 including an electric motor 31 and a control thereof. However, Hayashi fails to disclose or suggest controlling electric motor 31 in the manner required by claims 1 and 12. In reference to Hayashi, the Action asserts at page 2, that "rotational speed-torque is directly related to the power source and that a power source such as a battery is always at a predetermined value". Applicant agrees that rotational speed-torque is related to the power source, but disagrees that the power source is always at a predetermined value. To the contrary, the battery voltage declines over time and with use. Thus, without a control unit such as applicant's, Hayashi's rotational speed-torque will also fall as the battery voltage falls, and the rider will feel a steady decline in power as battery voltage falls.

Applicant overcomes this problem by controlling the rotational speed-torque characteristics over the battery life such that it is always maintained at the level that could be provided when the battery is at a low point (the predetermined value). In this manner, the rider never feels a drop in power although battery voltage is decreasing.

Since Hayashi does not disclose each and every element of claims 1 and 12, it cannot anticipate those claims or claims dependent thereon. The rejections of claims 1, 3, 9-12, 14, 19 and 20 under 35 USC 102(b) should be withdrawn.

Conclusion

This application is believed to be in condition for allowance. The Examiner is invited to telephone the undersigned to resolve any issues that remain after entry of

PAGE 10/11 * RCVD AT 2/16/2006 8:36:59 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:+12133376701 * DURATION (mm-ss):02-52

this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: February 16, 2006

By: _____
Troy M. Schmelzer
Registration No. 36,667
Attorney for Applicant(s)

500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Phone: 213-337-6700
Fax: 213-337-6701

PAGE 11/11 * RCVD AT 2/16/2006 8:36:59 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:+12133376701 * DURATION (mm-ss):02-52